

Exhibit 5



Mike DeWine, Governor
Jon Husted, Lt.Governor

Bruce Vanderhoff, MD, MBA, Director

August 30, 2021

Via e-mail and regular U.S. mail

Jessie Hill
Associate Dean for Research and Faculty Development
Judge Ben C. Green Professor of Law
Case Western Reserve University School of Law
11075 East Blvd.
Cleveland, Ohio 44106

Re: Women's Med Dayton
2020 Variance Request and April 21, 2020 Variance Modification

Dear Ms. Hill:

Pursuant to RC. 3702.304, O.A.C. 3701-83-14, and 3701-83-19 and after careful review and consideration, I am denying the variance request of Women's Med Dayton submitted on September 14, 2020, for its 2020 license renewal. I am also denying the 2020 variance modification submitted on April 21, 2020, substituting Dr. David Dhanraj for Dr. Jerome Yaklic, whose admitting privileges at Miami Valley Hospital ended on April 30, 2020.

As you know, the written transfer agreement (WTA) requirements in R.C. 3702.303 and O.A.C. 3701-83-19 are designed to protect patient health and safety. Variances from these requirements are for limited circumstances in which the facility can still achieve the purposes of a WTA, where compliance with the WTA requirement would impose an undue hardship, and where the proposed alternative method of compliance meets or exceeds the protections afforded by the statute and rule. R.C. 3702.304. Women's Med Dayton's use of Dr. Dhanraj as a backup physician is not sufficient as Dr. Dhanraj currently has affiliate status privileges at Miami Valley Hospital and not active status privileges.

As an additional reason for the denial, Dr. Dunn is not credentialed as an obstetrician/gynecologist with full active privileges at Miami Valley Hospital.

Pursuant to R.C. 3702.304 and O.A.C. 3701-83-14, the denial of Women's Med Dayton's applications for a variance shall be final and shall not be construed as creating any rights to a hearing under Chapter 119 of the Revised Code.

If you have any questions regarding this variance, please contact Lisa Eschbacher, General Counsel, at 614-466-4882.

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce Vanderhoff".

Bruce Vanderhoff, MD, MBA
Director of Health

cc: James Hodge, Bureau Chief, Bureau of Regulatory Operations
Lisa Eschbacher, General Counsel